

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.NO.16837 OF 2016

C.Manivannan

.. Petitioner

Vs.

The Municipal Commissioner
Athur Municipality
Athur - 636 102.
Salem District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, by directing the respondent to consider the petitioner's representation dated 15.09.2014 and the reminders dated 17.11.2014 and 11.03.2016. On that basis, to take necessary action to prevent the danger in accordance with the law.

For Petitioner : Mr.M.Ganesh
For Respondent : Mr.S.V.Durai Solaimalai

ORDER

Heard Mr.M.Ganesh, learned counsel appearing for the petitioner and Mr.S.V.Durai Solaimalai, accepting notice on behalf of the respondent. By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.The petitioner seeks for issuance of writ of mandamus by directing the respondent to consider his representation dated 15.09.2014 and the reminders dated 17.11.2014 and 11.03.2016.

3.According to the petitioner, on account of a Bakery, which is functioning adjoining the petitioner's property, there are some cracks developed in the petitioner's house. However, the petitioner has not impleaded the said Bakery, namely, Iyenkar Sweets and Bakery as party in this writ petition. Therefore, no positive direction could be granted as sought for by the petitioner in the present writ petition. Further, it is seen that the District Environmental Engineer, Tamil Nadu Pollution Control Board, Salem, has forwarded the representation

dated 15.09.2014 of the petitioner to the respondent to take appropriate action under the District Municipalities Act, by proceedings dated 03.02.2015.

4.In the light of the above, there will be a direction to the respondent to consider the petitioner's representation dated 15.09.2014 and the reminders dated 17.11.2014 and 11.03.2016, after notice to the said Iyenkar Sweets and Bakery, and pass orders, on merits and in accordance with law, as expeditiously as possible.

5.The writ petition is disposed of with the above direction. No costs.

-s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

TK
To

The Municipal Commissioner
Athur Municipality
Athur - 636 102.
Salem District.

+1 cc to Mr.M.Ganesh Advocate sr.27638/16

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